

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

XIUFANG SITU, et al.,

## Plaintiffs,

V.

MICHAEL O. LEAVITT,

**Defendant.**

NO. C06-2841 TEH

ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
LEAVE TO FILE MOTION FOR  
RECONSIDERATION

This matter comes before the Court on Plaintiffs' motion for leave to file a motion for reconsideration of the Court's June 2, 2006 order vacating Plaintiffs' motion for class certification without prejudice. The Court agrees that Plaintiffs did not have a fair opportunity to comment on the issue of whether it was appropriate to delay ruling on their motion for class certification pending Defendant's intended motion to dismiss. However, the Court does not find it reasonable to allow only three business days for Defendant to prepare an opposition brief. Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiffs' motion for leave to file a motion for reconsideration is GRANTED.
  2. Pursuant to Plaintiffs' request, Plaintiffs' motion for leave to file a motion for reconsideration shall be construed as their actual motion for reconsideration.
  3. Defendant shall file an opposition to Plaintiffs' motion for reconsideration on or before **June 14, 2006**, and Plaintiffs shall file a reply on or before **June 19, 2006**. The matter will then be deemed submitted, unless the Court otherwise orders oral argument.

## IT IS SO ORDERED.

Dated: 06/07/06

Helen Johnson

**THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT**